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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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10 CRISTIAN ALVARADO,
11 Plaintiff,
12 v.
13 360 MORTGAGE GROUP, LLC,
14 Defendant.

Case No. 17-cv-04655 NC

**ORDER TO SHOW CAUSE
REGARDING DEFECTIVE
REMOVAL**

Re: Dkt. No. 1

16 Defendant 360 Mortgage Group, LLC removed this case from California state court
17 on the basis of diversity jurisdiction. Dkt. No. 1 at 3. It is the Court's duty to examine
18 whether it has subject matter jurisdiction over any case before it.

19 Federal courts are courts of limited jurisdiction and are presumptively without
20 jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The
21 defendant has the burden of showing removal of a state court action to federal court is
22 appropriate. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Removal of a state
23 court action to federal court is appropriate only if the federal court would have had original
24 subject matter jurisdiction over the suit. 28 U.S.C. § 1441(a).

25 It is not clear that diversity of citizenship exists here, and so the existence of subject
26 matter jurisdiction is uncertain. This is because defendant is a limited liability company,
27 and the citizenship of each member of the company must be considered in the diversity
28 analysis. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Johnson v. Columbia*
Case No. 17-cv-04655 NC

1 *Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Defendant did not inform
2 the Court of the citizenship of the LLC's members. Thus, the Court ORDERS 360
3 Mortgage Group to SHOW CAUSE why the Court has subject matter jurisdiction over this
4 case. 360 Mortgage Group must file a response to this order by September 15, 2017. That
5 response may not exceed 5 pages in length. Otherwise, the Court will remand this case to
6 California state court.

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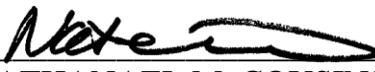
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IT IS SO ORDERED.

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Dated: September 1, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge

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